

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JEREMY SULTAN,	:	Civil Action No.:
	:	
Plaintiff,	:	
	:	
v.	:	COMPLAINT
	:	
QUALITY ASSET RECOVERY, LLC,	:	
	:	
Defendant	:	

Plaintiff, JEREMY SULTAN ("Plaintiff"), by and through his attorneys, M. Harvey Rephen & Associates, P.C. by Edward B. Geller, Esq., P.C., Of Counsel, as and for his Complaint against the Defendants QUALITY ASSET RECOVERY, LLC (hereinafter referred to as "Defendant"), respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action on his own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

PARTIES

2. Plaintiff JEREMY SULTAN is a resident of the State of New Jersey, residing at 368 Highland Avenue, Long Branch, New Jersey 07740.

3. Defendant QUALITY ASSET RECOVERY, LLC is a New Jersey limited

liability corporation with an address at 7 Foster Avenue, Suite 101, Gibbesboro, New Jersey 07107.

4. Plaintiff is "consumer" as the phrase is defined and used in the FDCPA under 15 USC §1692a(3).

5. The Defendant is a "debt collector" as the phrase is defined and used in the FDCPA under 15 USC §1692a (6).

JURISDICTION AND VENUE

6. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1367(a).

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

FACTUAL ALLEGATIONS

8. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "7" herein with the same force and effect as if the same were set forth at length herein.

9. Upon information and belief, Defendant, on behalf of itself or a third-party, began efforts to collect an alleged consumer debt from Plaintiff.

10. Upon information and belief, and better known to the Defendant, the Defendant began its collection efforts and campaign of communications with the Plaintiff by mailing Plaintiff a notice.

11. Defendant's notice was dated October 15, 2014 and identified Defendant

as a debt collector writing to collect a debt in the amount of \$94.65, referencing: "Facility Account # 1201447756."

12. A copy of Defendant's notice is attached hereto as Exhibit "A."

13. On or about July 10, 2015, Plaintiff sent a check to Defendant in the amount of \$50.00 which check was dated July 31, 2015 and which check featured "FOR: 1201447756."

14. A copy of Defendant's check is attached hereto as Exhibit "B."

15. Defendant cashed and/or deposited Plaintiff's check dated July 31, 2015 on July 13, 2015.

16. A copy of Plaintiff's Wells Fargo Online check register evidencing "date posted" as July 13, 2015 is attached hereto as Exhibit "C."

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

17. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "16" herein with the same force and effect as if the same were set forth at length herein.

18. 15 USC §1692 f (2) prohibits a debt collector to accept from any person a check or other payment instrument postdated by more than five days unless such person is notified in writing of the debt collector's intent to deposit such check or instrument not more than ten nor less than three business days prior to such deposit.

19. Defendant violates 15 USC §1692 f (2) by either misreading Plaintiff's check date in July of "31" as "13" or deliberately and intentionally disregarding Plaintiff's

check date and depositing Plaintiff's check over two weeks before the date of said check and failing to advise Plaintiff in writing of Defendant's intentions with respect to the deposit of said check.

20. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

21. Plaintiff hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment from the Defendant as follows:

- A. For actual damages provided and pursuant to 15 USC §1692k (a) (1);
- B. For statutory damages provided and pursuant to 15 USC §1692(2)(A);
- C. For statutory damages provided and pursuant to 15 USC§1692k(2)(B);
- D. For attorneys' fees and costs provided and pursuant to 15USC§1692(a) (3);
- E. A declaration that the Defendant's practices violated the FDCPA;
- F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: December 7, 2015

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edward B. Geller', written over a horizontal line.

EDWARD B. GELLER, ESQ. P.C.(EG9763)
Edward B. Geller, Esq., P.C., Of Counsel to
M. Harvey Rephen & Associates, P.C.
15 Landing Way
Bronx, New York 10464

Attorney for the Plaintiff JEREMEY SULTAN

To: QUALITY ASSET RECOVERY, LLC
7 Foster Avenue, Suite 101
Gibbesboro, New Jersey 07107

(Via Prescribed Service)

Clerk of the Court,
United States District Court, District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street Room 2020
Trenton, New Jersey 08608

(Via Electronic Court Filing)

EXHIBIT "A"

QARP.O. BOX 239
GIBBSBORO NJ 08026-0239
(800) 796-1476

33613

RETURN SERVICE REQUESTED

006784
0101

IF PAYING BY MASTERCARD OR VISA, FILE		SAVE TIME PAY ONLINE qarcollect.com
FACILITY ACCOUNT # 1201447756		DATE OF SERVICE 10/14/13
PATIENT NAME SULTAN, SAULIE		BALANCE DUE \$94.65 AMOUNT PAID

FACILITY:
JERSEY SHORE UNIVERSITY MEDICAL CEN SULTAN, SAULIE

6528265 (PG. 1)

JERMEY SULTAN
368 HIGHLAND AVE
LONG BRANCH, NJ 07740-4645

QUALITY ASSET RECOVERY, LLC
P.O. BOX 239
GIBBSBORO, NJ 08026-0239

33613 *T6R0HJZPV000116

This has been sent by a collection agency, Quality Asset Recovery, LLC. This is an attempt to collect a debt and any information obtained will be used for that purpose.

* See back for more important details

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

FIRST NOTICE

OCTOBER 15, 2014

Dear JERMEY SULTAN,

Facility: JERSEY SHORE UNIVERSITY MEDICAL CENTER
Patient Name: SULTAN, SAULIE
Facility Account #: 1201447756
Balance Due: \$94.65
DOS: 10/14/13

This has been sent from a collection agency, it is an attempt to collect a debt and any information obtained will be used for that purpose. The balance listed above is due in full. Unless you notify this office within 30 days after receiving this notice that you dispute the debt, or any portion thereof, we will assume this is valid. If you notify this office in writing within 30 days from receiving this notice we will: obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such a judgment or verification. Upon receipt of your written request during this time period, we will provide you with verification and the name and address of the original creditor, if different from the current creditor.

Its to and from Quality Asset Recovery may be monitored for quality assurance.

Sincerely,
Quality Asset Recovery, LLC

3865187 301
e: (800) 796-1476



EXHIBIT B & C



Wells Fargo Online®

View Check Copy

Check Number	Date Posted	Check Amount	Account Number
2165	07/13/15	\$50.00	Crown Banking XXXXX5997

ALICE SULTAN JEREMY SULTAN 368 HIGHLAND AVE LONG BRANCH, NJ 07740		2165 <small>65-25128816 1856315997</small>
PAY TO THE ORDER OF <u>Warranty Asset Recovery</u>		<u>50.00</u>
Fifty <u>00</u> DOLLARS		DATE <u>7/31/15</u>
FOR <u>1201447756</u>		SIGNATURE <u>Alice S</u>
MICR LINE: ⑆021200025⑆ 1856315997⑆ 02165		

512929007945 162033 20150713 000000001856315997
 TRN_DEBIT JLOEB 000
 Voorhees 0129 94004 5129 6 0228

Equal Housing Lender

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